

**MEDICAL EXAMINING BOARD MEETING MINUTES  
JULY 21, 2004**

**MEMBERS PRESENT:** Drs. Lief Erickson Jr., Alfred Franger, Sidney Johnson, Ronald Grossman, Jon Gudeman, Jack Lockhart, Gene Musser, Ian Munro, Bhupinder Saini, Ms. Karen Kalishek and Ms. Virginia Heinemann.

**MEMBERS EXCUSED:** Dr. Daniel Miota and Mary Cook, JD

**STAFF PRESENT:** Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Kevin Murphy, Bureau Assistant; and DOE staff

**GUESTS:** Mark Grapentine, Wisconsin Medical Society

**CALL TO ORDER**

Chair Alfred Franger called the meeting to order at 8:05 a.m.

**APPROVAL OF AGENDA**

Additions to the Agenda:

Monitoring – Kenneth Sparr, MD and Richard S. Helffrich, MD

Application Issue – Thomas F. Babcock, D.O.

Suster request re: oral argument

Administrative Warning – 03 MED 300

**MOTION:** Dr. Grossman moved, seconded by Ms. Heinemann, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 16, 2004**

Ms. Heinemann noted that on page 2 she, not Dr. Franger, delivered the screening report.

Dr. Franger noted that he delivered no motions at the June 16 meeting.

**MOTION:** Dr. Saini moved, seconded by Dr. Johnson, to approve the minutes as amended. Motion carried unanimously.

**REPORT OF SCREENING PANEL**

Ms. Heinemann noted that of 54 screened cases, 7 were opened.

**ADMINISTRATIVE REPORT**

The Bureau Director reviewed the case status reports, timelines, and press releases.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF WILLIAM HISGEN, MD, BY ATTORNEY JEANETTE LYTLE –  
CASE ADVISOR DR. SAINI**

Jeanette Lytle presented the proposed stipulation, final decision and order in the matter concerning William Hisgen, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF VICTORIA J. MONDLOCH, MD, BY ATTORNEY JEANETTE  
LYTLE – CASE ADVISOR DR. FRANGER**

Jeanette Lytle presented the proposed stipulation, final decision and order in the matter concerning Victoria J. Mondloch, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF TERENCE M. SCHEID, MD, BY ATTORNEY JEANETTE LYTLE  
– CASE ADVISOR DR. MUSSER**

Jeanette Lytle presented the proposed stipulation, final decision and order in the matter concerning Terrence M. Scheid, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF IVAN TEOH, MD, BY ATTORNEY PAM STACH – CASE  
ADVISOR DR. ERICKSON**

Pam Stach presented the proposed stipulation, final decision and order in the matter concerning Ivan Teoh, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MARVIN A.  
SCHULTZ, MD, BY ATTORNEY JIM POLEWSKI – CASE ADVISOR DR.  
LOCKHART**

Jim Polewski presented the proposed stipulation, final decision and order in the matter concerning Marvin A. Schultz, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JEFFREY MENN, MD,  
BY ATTORNEY JIM POLEWSKI – CASE ADVISOR DR. SAINI**

Jim Polewski presented the proposed stipulation, final decision and order in the matter concerning Jeffrey Menn, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JAMES L. CARLSON, MD, BY ATTORNEY MICHAEL BERNDT – CASE ADVISOR – KAREN KALISHEK**

Michael Berndt presented the proposed stipulation, final decision and order in the matter concerning James L. Carlson, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED ADMINISTRATIVE WARNING IN CASE 03 MED 300**

David Hart III presented the proposed administrative warning in case 03 MED 300. This matter will be deliberated on in closed session.

**INFORMATIONAL ITEMS**

Noted.

**CLOSED SESSION**

**MOTION:** Ms. Heinemann moved, seconded by Dr. Johnson, to CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). The motion carried unanimously in a roll call vote.

Open session recessed at 9:20 a.m.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF WILLIAM HISGEN, MD – CASE ADVISOR – DR. SAINI**

Dr. Musser abstained from deliberations and voting.

**MOTION:** Dr. Johnson moved, seconded by Ms. Kalishek, to adopt the stipulation, final decision and order in the matter of William Hisgen, MD. Motion failed.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF VICTORIA J. MONDLOCH – CASE ADVISOR – DR. FRANGER**

**MOTION:** Ms. Heinemann moved, seconded by Dr. Erickson, to accept the findings of fact and conclusions of law, and to adopt the stipulation, final decision and order. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF TERRANCE M. SCHEID, MD – CASE ADVISOR – DR. MUSSER**

**MOTION:** Ms. Kalishek moved, seconded by Ms. Heinemann, to adopt the stipulation, final decision and order. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF IVAN TEOH, MD – CASE ADVISOR – DR. ERICKSON**

**MOTION:** Dr. Gudeman moved, seconded by Dr. Musser, to adopt the stipulation, final decision and order. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MARVIN A.  
SCHULTZ, MD – CASE ADVISOR – DR. LOCKHART**

**MOTION:** Dr. Erickson moved, seconded by Dr. Musser, to adopt the stipulation, final decision and order. Dr. Gudeman abstained from voting. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JEFFREY MENN, MD –  
CASE ADVISOR – DR. SAINI**

**MOTION:** Dr. Grossman moved, seconded by Dr. Munro, to adopt the stipulation, final decision and order in the matter of disciplinary proceedings against Jeffrey Menn, MD. Motion failed.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN  
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JAMES L. CARLSON,  
MD – CASE ADVISOR – KAREN KALISHEK**

**MOTION:** Ms. Heinemann moved, seconded Dr. Musser, to adopt the stipulation, final decision and order. Motion carried.

**DELIBERATION OF PROPOSED ORDER, OBJECTIONS AND RESPONSES TO  
OBJECTIONS OF COMPLAINANT AND RESPONDENT IN THE MATTER OF THE  
DISCIPLINARY PROCEEDINGS AGAINST SHIRLEY GODIWALLA, MD, CASE NO.  
LS 0302193 MED**

**MOTION:** Dr. Gudeman moved, seconded by Dr. Lockhart, to adopt DRL Legal Counsel's variance to the ALJ proposed order in the matter of the disciplinary proceedings against Shirley Godiwalla, MD. Drs. Erickson and Franger abstained from deliberations and voting. Motion carried.

**MOTION:** Dr. Munro moved, seconded by Ms. Kalishek, to amend the prior motion and require Dr. Godiwalla to pay 75% of total costs. Drs. Erickson and Franger abstained from deliberations and voting. Motion carried.

**DELIBERATION OF APPLICATION FOR ORAL REPRESENTATION BEFORE THE BOARD IN THE MATTER OF STUART M. SUSTER, MD**

**MOTION:** Dr. Munro moved, seconded by Dr. Gudeman to grant Dr. Suster an oral argument under the following conditions. First, the oral arguments shall be limited to 30 minutes each, including whatever amount of time is reserved by the parties for rebuttal and the presentation of videotape or other exhibits. Secondly, the parties will be allowed to present videotape testimony or other supplemental exhibits to the Board during the oral argument, provided that such material are from the official hearing record and were admitted into evidence at the hearing. Any witness testimony shown by videotape must be from the official court reporter version. In addition, if the parties intend to show a portion of the videotape of the hearing, they shall identify in writing the portion of the tape to be shown, at least 10 days in advance of the oral argument, so that the Department can arrange for presentation of that portion from the official videotape prepared by the court reporter. The parties shall identify the portion by reference to the witness testifying, the date of the hearing and the elapsed minutes on the tape where the material is located. The Department will arrange for a VCR and the official tape to be available at the time scheduled for the oral argument and will operate the equipment, per the information and direction of the parties. And finally, the oral argument shall be scheduled for the next Board meeting on August 18, 2004. The parties will receive a written notice of the time and location for their appearance. Dr. Saini abstained from voting. Motion carried.

**DELIBERATION OF COMPLAINT IN THE MATTER OF 03 MED 318**

**MOTION:** Dr. Gudeman moved, seconded by Ms. Kalishek, to issue the complaint. Drs. Erickson and Munro abstained from deliberations and voting. Motion carried.

**DELIBERATION OF COMPLAINT IN THE MATTER OF 03 MED 327**

**MOTION:** Ms. Heinemann moved, seconded by Dr. Johnson, to issue the complaint. Motion carried.

**DELIBERATION OF ORDER FIXING COSTS IN THE MATTER OF GHAZWAN KATMEH, MD**

**MOTION:** Ms. Kalishek moved, seconded by Dr. Gudeman, to accept the order fixing costs in the matter of Dr. Katmeh. Drs. Musser, Munro and Grossman abstained from deliberations and voting. Motion carried.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNING IN THE MATTER OF 02 MED 268**

**MOTION:** Dr. Munro moved, seconded by Dr. Lockhart, to adopt the administrative warning. Ms. Kalishek abstained from deliberations and voting. Motion carried.

**REVIEW OF ADMINISTRATIVE WARNING IN THE MATTER OF 03 MED 243**

**MOTION:** Dr. Grossman moved, seconded by Dr. Munro, to adopt the administrative warning. Dr. Johnson abstained. Motion carried.

**DOE MONITORING:**

**REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF RICHARD HELFFRICH, MD.**

**MOTION:** Dr. Grossman moved, seconded by Ms. Kalishek, to grant the three month stay of suspension in the matter of Richard Helffrich, MD. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF PETER PARK, MD.**

**MOTION:** Dr. Gudeman moved, seconded by Ms. Heinemann to grant the three month stay of suspension and approve the mentor in the matter of Peter Park, MD. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF KENNETH SPARR, MD.**

**MOTION:** Dr. Grossman moved, seconded by Dr. Munro, to deny the request for a 3 month stay in the matter of Kenneth Sparr, MD. The Board will require Dr. Sparr to verify that he is free of use of all scheduled drugs, including Tramadol, not taken under a current

prescription and to provide proof that he is compliant with his drug screens, including proof of urine monitoring with specimen temperature of 90-100 degree Fahrenheit, PH 4.5-8.5 and creatinine and specific gravity level no greater than 20 d.l., and reports from Dr. Longo and Dr. Bohn indicating that he is safe to practice. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF  
TIMOTHY STAAKE, MD.**

**MOTION:** Dr. Grossman moved, seconded by Ms. Heinemann, to the grant the three month stay of suspension in the matter of Timothy Staake, MD. Dr. Erickson abstained. Motion carried.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF  
ROBERT VINCENT, MD.**

**MOTION:** Ms. Kalishek moved, seconded by Dr. Munro, to grant the three month stay of suspension in the matter of Robert Vincent, MD. Dr. Musser abstained. Motion carried.

**REQUEST FOR COURSE EXTENSION IN THE MATTER OF RICHARD CLASEN,  
MD.**

**MOTION:** Ms. Heinemann moved, seconded by Dr. Erickson, to deny the request for an extension, and to write a letter to Dr. Clasen explaining his options.

**CASE STATUS REPORT AND CASE CLOSINGS**

**MOTION:** Dr. Grossman moved, seconded by Dr. Johnson, to close case 03 MED 122 for insufficient evidence. Motion carried.

**MOTION:** Dr. Gudeman moved, seconded by Dr. Erickson to close case 03 MED 317 for no violation in the matters concerning Drs. Timmons, Rowley, and Namath, and for prosecutorial discretion in the matter of Dr. Jenny. Drs. Musser and Munro abstained. Motion carried.

**MOTION:** Dr. Lockhart moved, seconded by Dr. Erickson, to close case 02 MED 016 for no violation. Motion carried

**MOTION:** Dr. Grossman moved, seconded by Ms. Kalishek, to close case 03 MED 316 for insufficient evidence. Motion carried.

**MOTION:** Dr. Grossman moved, seconded by Dr. Johnson, to close case 04 MED 096 for no violation. Motion carried.

**MOTION:** Dr. Johnson moved, seconded by Ms. Kalishek, to close case 03 MED 373 for insufficient evidence. Motion carried.

**MOTION:** Dr. Grossman moved, seconded by Ms. Kalishek, to open an exploratory file to investigate other physicians involved in the Ivan Teoh matter. Motion carried unanimously.

#### **RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Dr. Johnson moved, seconded by Ms. Kalishek, to ratify licenses and certificates. Motion carried unanimously.

#### **RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Open session reconvened at 12:25 p.m.

#### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Dr. Grossman moved, seconded by Dr. Johnson, to approve all votes conducted in closed session. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Dr. Grossman moved, seconded by Dr. Johnson, to adjourn the meeting at 12:50 p.m. Motion carried unanimously.

**Next Meeting August 18, 2004**



